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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. *2013-749*

11 **RICHARD E. BAROI**  
12 **1110 Alexis Lane**  
13 **Redlands, CA 92374**  
**Registered Nurse License No. 738891**

**A C C U S A T I O N**

14 Respondent.

15 Complainant alleges:

16 **PARTIES**

17 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
18 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
19 Consumer Affairs.

20 2. On or about October 24, 2008, the Board of Registered Nursing issued Registered  
21 Nurse License Number 738891 to Richard E. Baroi (Respondent). The Registered Nurse License  
22 was in full force and effect at all times relevant to the charges brought herein and will expire on  
23 July 31, 2014, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Registered Nursing (Board),  
26 Department of Consumer Affairs, under the authority of the following laws. All section  
27 references are to the Business and Professions Code unless otherwise indicated.  
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10. Patient L.B. was a 32 year old female admitted to 4North on or about May 3, 2011 with a diagnosis of Community Acquired Pneumonia with Hypoxia (low blood oxygen level) and Hypokalemia (low serum potassium level) after complaining of a fever for four days.

11. At approximately 11:00 p.m. on May 3, 2011, Respondent administered a sponge bath to Patient L.B. to cool her body because she was running a fever. Respondent then applied lotion to Patient L.B.'s body including her breasts and nipples. Respondent indicated to Patient L.B. that he was performing a breast exam.

12. Sometime later in the night, Respondent informed Patient L.B. that she smelled bad down there and offered to clean her up, or provide cleaning materials. However, on May 3, 2011 at 21:52 hours and May 4, 2011 at 05:45 hours, Respondent's entries in Patient L.B.'s records for Reproductive Assessment showed "No vaginal discharge or odor" and his entries for Genitourinary Assessment for those times also showed clear yellow urine without dysuria. Respondent was admitted for Pneumonia and there was no indication in the admitting notes, physician's notes, or Respondent's assessments that a urinary tract infection might be the cause of Patient L.B.'s fever.

13. On or about May 4, 2011, Patient L.B. complained to several members of ARMC staff as well as the Colton Police Department that Respondent had inappropriately touched her breasts and offered to clean her vagina.

**FIRST CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct)**

14. Respondent is subject to discipline under Code section 2761, subdivision (a) on the grounds of unprofessional conduct in relation to his care of Patient L.B. in that on or about May 3, 2011, while on duty as a registered nurse at Arrowhead Regional Medical Center, Respondent inappropriately applied lotion to Patient L.B.'s breasts and nipples and offered to clean Patient L.B.'s vagina when there was no indication to do so. Complainant hereby refers to and incorporates all the allegations contained in paragraphs 9 through 13 above, as though set forth fully.

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3 for Stacie Ben  
LOUISE R. BAILEY, M.Ed.  
Executive Officer

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